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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/687,131  | 10/13/2000  | Barry H. Schwab      | 600-002             | 1035             |
| 7590  | 03/20/2006  |                      | EXAMINER            | HU, JINSONG      |
| LAW OFFICE OF JOHN CHUPA & ASOCIATES, P.C.<br>28535 ORCHARD LAKE RD.<br>STE. 50<br>FARMINGTON HILLS, MN 48334 |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2154                |                  |

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 09/687,131             | SCHWAB, BARRY H.    |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Jinsong Hu             | 2154                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 03 January 2006.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-41 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-8 and 11-41 is/are rejected.

7) Claim(s) 9 and 10 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/30/05.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

1. The affidavits under 37 CFR 1.132 filed on 12/30/05 is insufficient to overcome the rejection of claims 1-41 based upon Houvener (US 5,657,389) as set forth in the last Office action because the US patent 6,353,699 (hereinafter as '699) does not disclose secure interactive communication between server and clients (see claim 1), there is no any contents in the '699 mentioned utilizing encryption and decryption, which are the important features in the this application; Furthermore, '699 only disclose a separate area 106 for displaying the information of the product [col. 6, lines 12-19 of '699], it does not disclose "separately storing textual information and image data", which means storing the image data in image file server and storing textual data in text file server [p. 12, line 21 – p. 14, line 10 in specification of application]. In the contrast, '699 discloses a system for compiling the collected data into a final program [col. 1, lines 12-18 of '699], it does not disclose too much information for storing the image and data files and retrieving those files from the corresponding servers for clients.

Accordingly, the earliest priority date of this application is not 2/24/1995, which is filing date of '699. The correct priority date of this CIP application is 5/30/1995 as Examiner stated in the previous office action. Therefore, Houvener (US 5,657,389) is still a qualified prior art reference.

2. Claims 1-41 are filed applicant in the amendment. Claims 34-41 are newly added claims.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-8, 11-14, 17-33 and 37-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Houvener (US 5,657,389).

5. As per claims 1, 5-6, 8 and 11, Houvener teaches the invention as claimed including a method of providing secure interactive communication of textual information and image data between a central server computer and one or more client computer terminals, located at remote sites, for the purpose of storing and retrieving files describing and identifying unique products, services or individuals [col. 6, lines 6-10], the steps of the method comprising:

separately storing textual information and image data from one or more of the remote terminals at the location of the central server computer with the image data being in compressed form and the textual information being included in a relational database with identifiers associated with any related image data [col. 3, lines 43-55; col. 6, lines 38-49];

associating for independent retrieval at the central computer the image data and the textual information [col. 3, lines 52-55; col. 6, lines 4-8];

receiving and processing at the central computer single, multiple and simultaneous requests for identification confirmation received from at least one of the remote terminals [col. 5, lines 47-60]; and

recalling and downloading textual information and/or image data requested from the at least one of the remote terminals to the requesting terminal for review, and comparing the textual information and image data downloaded at the requesting terminal with a product, service or individual to be identified [col. 6, lines 8-20].

6. As per claims 2-4 and 7, Houvener teaches the step of assigning personal identification number found on a card to the image data of first and second items to be identified, and storing the identification number in the central server computer [col. 6, lines 4-20].

7. As per claims 12, 14 and 17-18, Houvener teaches the step of encrypting the unique identification number of a user, the encrypted number serving as a decryption key that would enable only authorized users to complete a transaction, storing the encrypted image at the remote terminal and the decryption key at the central server [col. 6, lines 50-58].

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8. As per claims 13 and 19, Houvener teaches the central server computer is interfaced with at least one other server computer [col. 8, lines 11-17] and the step of uploading the images of the files describing the products, services or individuals into the central server computer to create temporary or permanent records [col. 6, lines 61-63; col. 7, lines 11-33].

9. As per claims 20-22, Houvener teaches the image being uploaded to the central server computer and stored in a separate transaction database and the step of associating includes associating an identification image of a single account, transaction or record with a plurality of accounts, transactions, or records [col. 6, lines 61-63; col. 7, lines 11-33].

10. As per claims 23-24 and 37-38, Houvener teaches the invention as claimed including a method of providing secure interactive communication of text information between a central server computer and one or more client computer terminals, located at remote sites, for the purpose of storing and retrieving files describing and identifying an individual [col. 6, lines 6-10], the steps of the method comprising:

separately storing into the central server computer textual data received from a data input terminal into the central server computer [col. 3, lines 43-55; col. 6, lines 38-49];

receiving and processing at the central server computer single, multiple and simultaneous requests for identification received from the remote computer

terminals, at least one request for identification being received from a user physically present at a remote terminal [col. 5, lines 47-60]; and recalling and downloading the textual data to the remote computer terminal that requested the textual data and comparing at the remote requesting computer terminal the textual data downloaded thereto from the central server computer with the individual to be identified [col. 6, lines 8-20].

11. As per claims 25 and 28, since they teach the same limitations as claims 1 and 20-22 from different prospectors [i.e., client side and server side], they are rejected for the same basis as claims 1 and 20-22 above.

12. As per claims 26-27 and 29, Houvener teaches the user identifying images are transmitted between transaction terminal and centralized computer [col. 6, line 59 – col. 7, line 33].

13. As per claim 30, since it is an apparatus claim of claim 1, it is rejected for the same basis as claim 1 above.

14. As per claims 31-33, since they are system claims of claims 1 and 21-22, they are rejected for the same basis as claims 1 and 21-22 above.

***Claim Rejections - 35 USC § 103***

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Houvener (US 5,657,389) as applied to claims 1-8, 11-14, 17-33 and 37-38 above.

17. As per claims 15-16, Houvener teaches the invention substantially as claimed in claim 1. Houvener does not specifically teach storing an identification image in encrypted form within an identification card and storing decryption key at the central server. However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to store an identification image in encrypted form within an identification card and decryption key at the central server because doing so would increase the secure level of the system by providing encryption and decryption function in both central server and client terminal to prevent defeating the system by an unauthorized person. One of ordinary skill in the art would have been motivated to modify Houvener's system to improve the security of the entire system.

18 Claims 34-36 and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Houvener (US 5,657,389) as applied to claims 1-8, 11-14, 17-33 and 37-38 above, in view of Aitkens et al. (US 5,380,044).

19. As per claims 34-36 and 39-41, Houvener teaches the invention substantially as claimed in claim 1. Houvener does not specifically teach the step of printing a hard copy of either the textual information, image information or the signature of the individual. However, Aitkens on the other hand teaches the step of printing a hard copy of either the textual information, image information or the signature of the individual [col. 7, lines 9-49]. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Houvener and Aitkens because doing so would benefit user by allowing them to keep hard copy of the text or image file they need.

#### ***Allowable Subject Matter***

20. Claims 9-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

21. Applicant's arguments with respect to claims 1-41 have been considered but are moot in view of the new ground(s) of rejection.

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP §706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

23. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (571) 272-3965. The examiner can normally be reached on 8:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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Jinsong Hu

March 16, 2006



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